



\* Include a notation as to the location of any exhibit not held with the case file or not available because of size

Sep. 6. 2017 2:08PM

No. 0783 P. 2/10

**Indictment****COPY**No. 12-F-130

STATE OF WEST VIRGINIA,

COUNTY OF FAYETTE, TO-WIT:

**IN THE CIRCUIT COURT OF THE COUNTY OF FAYETTE**

The Grand Jurors of the State of West Virginia, in and for the body of the County of Fayette, upon their oaths, and now attending the said Court, present that **ERIC J. RIGGS**, on or about the 22<sup>nd</sup> day of August, 2011, in the said County of Fayette,

**COUNT ONE**

Committed the offense of "malicious assault" in that he did unlawfully, feloniously and maliciously cut and/or stab with a knife or other sharp object, Joseph Blackburn, and caused him bodily injury, with intent to permanently maim, disfigure, disable or kill, against the peace and dignity of the State.

W. Va. Code § 61-2-9(a)

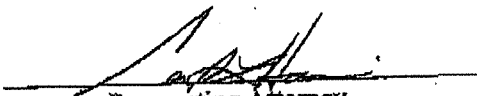
**COUNT TWO**

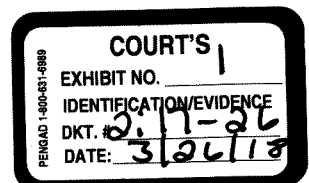
And the Grand Jurors, upon their oaths aforesaid, do further present that **ERIC J. RIGGS**, on or about the 22<sup>nd</sup> day of August, 2011, in the said County of Fayette, committed the offense of "attempted murder" in that he did unlawfully, feloniously, willfully, maliciously, deliberately, attempt to slay, kill and murder Joseph Blackburn, by cutting and/or stabbing him with a knife or other sharp object, against the peace and dignity of the State.

W. Va. Code § 61-2-1

W. Va. Code § 61-11-8

Found upon the sworn testimony of M.A. Elswick, duly sworn in the presence of the Grand Jury to testify truthfully and thereupon testifying before the Grand Jury on the 9<sup>th</sup> day of May, 2012.

  
Prosecuting Attorney  
Fayette County, West Virginia



Sep. 6. 2017 2:09PM

No. 0783 P. 3/10

STATE OF WEST VIRGINIA

Versus

Eric J. Riggs

Indictment For

Felony

A TRUE BILL

*Phillip J. Attest*  
Deputy Person of the Grand Jury

Attest:

*[Signature]*  
Prosecuting Attorney  
Fayette County, West Virginia

Feb. 14. 2018- 1:44PM

No. 2659 P. 2

## IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

INDICTMENT NO. 12-F-136  
JOHN W. HATCHER, JR. JUDGEERIC J. RIGGS  
(DOB: 11-21-1980)  
DefendantFAYETTE COUNTY  
CIRCUIT CLERK  
MAY 22 A 8:11  
DANIEL E. WRIGHT

## TRANSPORT ORDER

On this date came the State of West Virginia by Prosecuting Attorney Carl L. Harris, who moved the Court for transport of Eric J. Riggs from the Mount Olive Correctional Complex at Mt. Olive, West Virginia, to the Sheriff's department holding cell for the purpose of arraignment in the above-captioned matter on THURSDAY, MAY 31, 2012 at 1:00 p.m. before the Honorable John W. Hatcher, Jr.

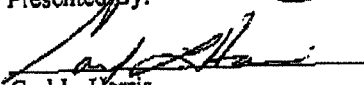
It appearing proper to do so, such motion is granted, and it is hereby ORDERED that the Division of Corrections shall transport Eric J. Riggs from the Mount Olive Correctional Center at Mount Olive, West Virginia, to the Sheriff's department holding cell on THURSDAY, MAY 31, 2012 at 1:00 P.M. for arraignment before the Honorable John W. Hatcher, Jr. at 1:30p.m. and shall return Eric J. Riggs to the Mount Olive Correctional Center at the conclusion, unless otherwise directed by the Court.

The Clerk of this Court is directed to forward attested copies of this Order to Carl L. Harris, Prosecuting Attorney; Fayette County Sheriff's Department; the Division of Corrections, State Capitol Complex, Building 4, 112 California Avenue, Room 300, Charleston, WV 25305; and the Mount Olive Correctional Complex, 1 Mountainside Way, Box 9 Mt. Olive, WV 25185 and by facsimile 304-442-7226.

ENTERED this 21 day of May 2012.

  
JOHN W. HATCHER, JR., JUDGE

Presented By:

  
Carl L. Harris  
Prosecuting Attorney

## Attested Copies to:

CLH	/	_____
FCSD	/	_____
DOC	/	_____
MOCC	/	_____
Date:	5/24/12	_____
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\*\* INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY \*\*

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September 6, 2017 2:13:21 PM EDT

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10STATUS  
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Sep. 6. 2017- 2:08PM

681-945-6823

No. 0783

P. 1/10

Attn: Michelle

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

INDICTMENT NUMBER 12-F-130

THE HONORABLE JOHN W. HATCHER, JR.

ERIC J. RIGGS

ARRAIGNMENT ORDER

On the 31st day of May, 2012, came the State of West Virginia by its counsel, Larry E. Harrah, II appearing on behalf of Carl L. Harris, Fayette County Prosecuting Attorney, and the defendant, ERIC J. BIGGS, in person and by counsel Nancy S. Fraley, appearing on behalf of James A. Adkins, Public Defender.

THEREUPON, the Court delivered a true copy of the indictment to the defendant and to his counsel. At that time the defendant, acting by and through counsel, acknowledged a receipt of a true copy of the indictment, waived formal reading of said indictment, entered a plea of not guilty to all counts of said indictment, requested Discovery pursuant to Rule 32.03 of the West Virginia Trial Court Rules and reserved on all other pre-trial motions.

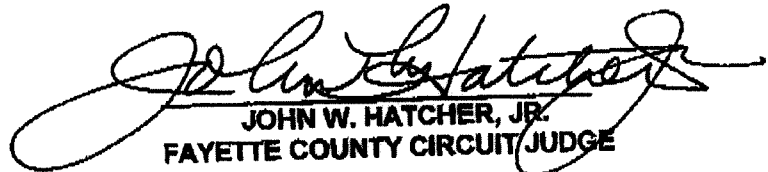
THEREUPON, the Court was informed that bond was not an issue at this time, since the defendant was incarcerated at Mount Olive Correctional Complex and the defendant was remanded back into the custody of the Department of Corrections.

It is further ORDERED that trial in this matter is hereby set for MONDAY, JULY 9, 2012, at the hour of 9:00 A. M. and all pretrial motions, by either the State and/or the defendant, shall be resolved on or before June 22, 2012.

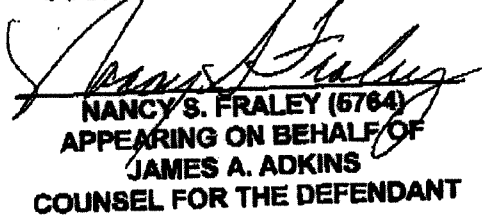
ENTERED:



LARRY E. HARRAH, II  
APPEARING ON BEHALF OF  
CARL L. HARRIS  
COUNSEL FOR THE STATE



JOHN W. HATCHER, JR.  
FAYETTE COUNTY CIRCUIT JUDGE



NANCY S. FRALEY (6764)  
APPEARING ON BEHALF OF  
JAMES A. ADKINS  
COUNSEL FOR THE DEFENDANT

Attested Copies to:

LEH /  
NSF /  
/

Date: 6-8-12

Initials: PS

ENTERED June 8, 2012  
Criminal DBK 114 PAGE 1114

Sep. 8. 2017- 9:21AM

No. 0817 P. 4



Office of the  
**FAYETTE COUNTY  
PROSECUTING ATTORNEY**

108 East Maple Avenue  
Fayetteville, West Virginia 25840  
(304) 574-4230  
Fax (304) 574-0228

Prosecuting Attorney:  
**CARL L. HARRIS**

Assistants:  
Brian D. Parsons  
Larry E. Harrah, II  
Roger L. Lambert  
Jeffery Mauzy

January 11, 2013


Mr. James A. Adkins  
Assistant Public Defender  
102 Fayette Avenue  
Fayetteville, WV 25840

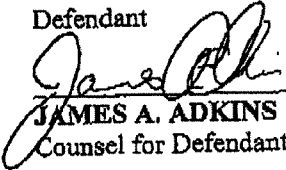
Re: State v. Eric J. Riggs  
Indictment No. 12-F-130 (B)

Dear Mr. Adkins:

Please be advised that the State of West Virginia is prepared to extend to your client, Eric J. Riggs, the following plea agreement, subject to the approval of the Court:

1. The defendant, Eric J. Riggs, will enter a plea of guilty to the felony offense of malicious assault as charged in Count One of Indictment No. 12-F-130, Mr. Riggs understands that upon entering his plea of guilty and pursuant to West Virginia Code §61-2-9 that upon conviction, shall, in the discretion of the court he shall be confined in the penitentiary not less than two nor more than ten years.
2. Counsel for the State will move to dismiss Count Two charging the felony offense of attempted murder.

  
**ERIC RIGGS**  
Defendant

  
**JAMES A. ADKINS**  
Counsel for Defendant

1 - 23 - 13  
DATE

1 - 23 - 13  
DATE

Sep. 8. 2017- 9:21AM-

No. 0817 P. 5

Mr. James A. Adkins  
January 11, 2013  
Page Two

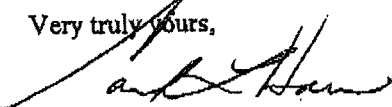
Re: State v. Eric J. Riggs  
Indictment No. 12-F-130

3. Counsel for the State will recommend said sentence be served concurrently to the sentence the defendant is currently serving for Mercer County Indictment 07-F-299.
4. It is further understood that the defendant will be required to give a factual basis for his plea of guilty to the above referenced offense and that his plea of guilty will not be entered pursuant to the case of Kennedy vs. Frazier.
5. The defendant understands that sentencing is in the sole discretion of the Court.
6. It is further understood that should the defendant be charged with a violation of State or Federal criminal laws up to and including the date of disposition, this Agreement may be terminated as null and void at the sole discretion of the State.
7. It is expressly understood that should the within plea be vacated, set aside or overturned by any State or Federal Court, the parties will be returned to their original positions. In addition, should any party to this Agreement fail to meet the terms and conditions of this Agreement, this Agreement shall terminate as null and void at the option of the offended party and both parties will be returned to their original position before the entry of this plea, and any charges dismissed or reduced will be reinstated. Further, the defendant agrees that an unpleasant or unanticipated sentence does not give the defendant the right to withdraw from this Plea Agreement.


The above seven (7) paragraphs constitute the entire agreement between Eric J. Riggs and the State of West Virginia.

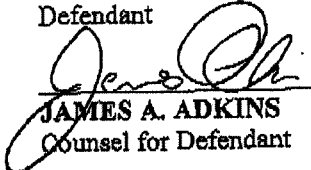
If your client chooses to accept this offer, please acknowledge by affixing your signature and having your client affix his signature below. If your client chooses not to accept this offer, please advise me of such, as the State will proceed with prosecution of this case.

Very truly yours,

  
Carl L. Harris  
Prosecuting Attorney

rb

  
ERIC J. RIGGS  
Defendant

  
JAMES A. ADKINS  
Counsel for Defendant

1-23-13  
DATE

1-23-13  
DATE

\_\_\_\_ Sep. 6. 2017 2:10PM

No. 0783 P. 9/10

13- F -152

ERIC J. RIGGS

# Indictment

13- F -153

STEPHEN HOUGHTON

No. \_\_\_\_\_

STATE OF WEST VIRGINIA,

COUNTY OF FAYETTE, TO-WIT:

IN THE CIRCUIT COURT OF THE COUNTY OF FAYETTE

The Grand Jurors of the State of West Virginia, in and for the body of the County of Fayette, upon their oaths, and now attending the said Court, present that **ERIC J. RIGGS and STEPHEN HOUGHTON**, on or about the 6<sup>th</sup> day of February, 2013, in the said County of Fayette,

## COUNT ONE

committed the offense of "malicious assault" in that they did unlawfully, feloniously and maliciously cut and/or stab with a knife or other sharp object, Jordan Rauch, and caused him bodily injury, with intent to permanently maim, disfigure, disable or kill, against the peace and dignity of the State.

W. Va. Code § 61-2-9(a)

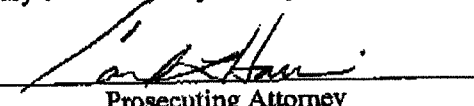
## COUNT TWO

And the Grand Jurors, upon their oaths aforesaid, do further present that **ERIC J. RIGGS and STEPHEN HOUGHTON**, on or about the 6<sup>th</sup> day of February, 2013, in the said County of Fayette, committed the offense of "attempted murder" in that they did unlawfully, feloniously, willfully, maliciously, deliberately, attempt to slay, kill and murder Jordan Rauch, by cutting and/or stabbing him with a knife or other sharp object, against the peace and dignity of the State.

W. Va. Code § 61-2-1

W. Va. Code § 61-11-8

Found upon the sworn testimony of M.A. Elswick, duly sworn in the presence of the Grand Jury to testify truthfully and thereupon testifying before the Grand Jury on the 15<sup>th</sup> day of May, 2013.

  
Prosecuting Attorney  
Fayette County, West Virginia

STEPHEN HOUGHTON

13- F -153

ERIC J. RIGGS

13- F -152



Sep. 6. 2017 2:10PM

No. 0783 P. 8/10

**IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA****STATE OF WEST VIRGINIA****v.****ERIC J. RIGGS****INDICTMENT NUMBER 13-F-152  
THE HONORABLE TIMOTHY L. SWEENEY, JR.****ARRAIGNMENT ORDER**

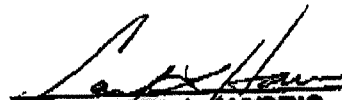
On the 24th day of July, 2013, came the State of West Virginia by its counsel, Carl L. Harris, Fayette County Prosecuting Attorney, and the defendant, **ERIC J. RIGGS**, in person and by counsel, James A. Adkins, Assistant Public Defender.


**THEREUPON**, the Court delivered a true copy of the indictment to the defendant and to his counsel. At that time the defendant, acting by and through counsel, acknowledged a receipt of a true copy of the indictment, waived formal reading of said indictment, entered a plea of not guilty to all counts of said indictment, requested Discovery pursuant to Rule 32.03 of the West Virginia Trial Court Rules and reserved on all other pre-trial motions.

**THEREUPON**, the Court was informed that bond was not an issue at this time and was precluded by statute.

It is further **ORDERED** that trial in this matter is hereby set for **MONDAY, SEPTEMBER 30, 2013**, at the hour of **9:00 A. M.** and parties are to notify the Court if a pretrial hearing is needed.

**ENTERED:**

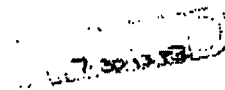
  
**CARL L. HARRIS**  
**COUNSEL FOR THE STATE**

  
**JAMES A. ADKINS (9892)**  
**COUNSEL FOR THE DEFENDANT**

  
**TIMOTHY L. SWEENEY, JR.**  
**FAYETTE COUNTY CIRCUIT JUDGE**

**Attested Copies to:**

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**Date:** 8-1-13  
**Initials:** Dew



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February 15, 2018 10:22:21 AM EST

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Feb. 15. 2018 10:16AM

No. 2684 P. 1



Office of the

**FAYETTE COUNTY  
PROSECUTING ATTORNEY**

108 East Maple Avenue  
Fayetteville, West Virginia 25840  
(304) 574-4230  
Fax (304) 574-0228

Prosecuting Attorney:  
**CARL L. HARRIS**

September 6, 2013

Mr. James A. Adkins  
Assistant Public Defender  
102 Fayette Avenue  
Fayetteville, WV 25840

Re: State v. Eric J. Riggs  
Indictment Nos. 12-F-130 & 13-F-152

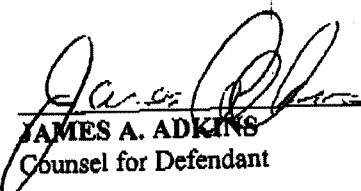
Dear Mr. Adkins:

Please be advised that the State of West Virginia is prepared to extend to your client, Eric J. Riggs, the following plea agreement, subject to the approval of the Court:

1. The defendant, Eric J. Riggs, will enter a plea of guilty to the felony offense of malicious assault, as charged in Count One of Indictment No. 12-F-130. The defendant understands that upon entering his plea of guilty and pursuant to West Virginia Code §61-2-9 that upon conviction, the defendant shall be punished by confinement in the penitentiary not less than two (2) nor more than ten (10) years.

  
**ERIC RIGGS**  
Defendant

7.12.13  
DATE

  
**JAMES A. ADKINS**  
Counsel for Defendant

9/12/13  
DATE

Assistance:  
Brian D. Parsons  
Larry E. Harrah, II  
Roger L. Lambert  
Jeffery T. Mauzy  
FAYETTE COUNTY  
CIRCUIT CLERK  
SEP 27 A 11:43  
DANIEL E. WRIGHT

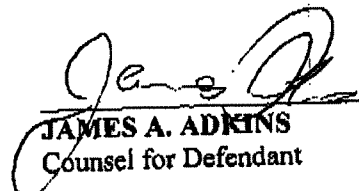
Mr. James A. Adkins  
September 6, 2013  
Page Two

Re: State v. Eric J. Riggs  
Indictment Nos. 12-F-130 & 13-F-152

2. The defendant, Eric J. Riggs, will enter a plea of guilty to the felony offense of malicious assault, as charged in Count One of Indictment No. 13-F-152. The defendant understands that upon entering his plea of guilty and pursuant to West Virginia Code §61-2-9 that upon conviction, the defendant shall be punished by confinement in the penitentiary not less than two (2) nor more than ten (10) years.
3. The State will dismiss Count Two of Indictment No. 12-F-130, charging the felony offense of attempted murder and Count Two of Indictment No. 13-F-152, charging the felony offense of attempted murder.
4. It is further understood that the defendant will be required to give a factual basis for these pleas of guilty to the above-referenced offenses and that the pleas of guilty will not be entered pursuant to the case of Kennedy vs. Frazier.
5. The State will recommend that the sentences imposed be served concurrently with each other.
6. The defendant understands that sentencing is in the sole discretion of the Court.
7. It is further understood that should the defendant be charged with a violation of State or Federal criminal laws up to and including the date of disposition, this Agreement may be terminated as null and void at the sole discretion of the State.
8. It is expressly understood that should the within plea be vacated, set aside or overturned by any State or Federal Court, the parties will be returned to their original positions. In addition, should any party to this Agreement fail to meet the terms and conditions of this Agreement, this Agreement shall terminate as null and void at the

  
ERIC RIGGS  
Defendant

9-12-13  
\_\_\_\_\_  
DATE

  
JAMES A. ADKINS  
Counsel for Defendant

9/12/13  
\_\_\_\_\_  
DATE

Mr. James A. Adkins  
September 6, 2013  
Page Three

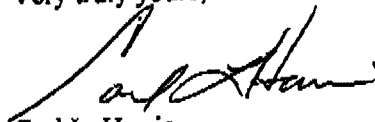
Re: State v. Eric J. Riggs  
Indictment Nos. 12-F-130 & 13-F-152

option of the offended party and both parties will be returned to their original position before the entry of this plea, and any charges dismissed or reduced will be reinstated. Further, the defendant agrees that an unpleasant or unanticipated sentence does not give the defendant the right to withdraw from this Plea Agreement.

The above eight (8) paragraphs constitute the entire agreement between Eric J. Riggs and the State of West Virginia.

If your client chooses to accept this offer, please acknowledge by affixing respective signatures as indicated throughout this agreement. If your client chooses not to accept this offer, please advise me of such, as the State will proceed with prosecution of this case.

Very truly yours,



Carl L. Harris  
Prosecuting Attorney

Accepted by:

  
ERIC J. RIGGS  
Defendant

9.12.13  
DATE

  
JAMES A. ADKINS  
Counsel for Defendant

9/12/13  
DATE

Sep. 8. 2017- 9:23AM

No. 0817 P. 10

**IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA****STATE OF WEST VIRGINIA**

v.

INDICTMENT NUMBER 12-F-130  
 INDICTMENT NUMBER 13-F-152  
 THE HONORABLE TIMOTHY SWEENEY

**ERIC J. RIGGS****PLEA OF GUILTY**

I, **ERIC J. RIGGS**, having been accused in an indictment by the May, 2012 and the May 2013 Term of the Grand Jury of the Circuit Court of Fayette County, of committing the felony offenses of "malicious assault," in violation of West Virginia Code §61-2-9(a), as set forth in Count One of Indictment Number 12-F-130 and Indictment Number 13-F-152, and "attempted murder," in violation of West Virginia Code §61-2-1 and West Virginia Code §61-11-8, as set forth in Count Two of Indictment Number 12-F-130 and Indictment Number 13-F-152, desire to enter a plea of guilty directly to the felony offenses of "malicious assault," in violation of West Virginia Code §61-2-9, as set forth in Count One of Indictment Number 12-F-130 and Count One of Indictment Number 13-F-152, both provable offenses as contained in said indictments.

Before being called upon to enter any plea in this case, I fully understand the following:

That I have the right to hire a lawyer of my choice and that if I cannot afford to hire a lawyer, the Court will appoint a lawyer qualified in the handling of criminal matters to defend me without any cost to me;

  
**ERIC J. RIGGS**  
**DEFENDANT**

**PAGE ONE OF FOUR PAGES**

Sep. 8. 2017 9:23AM

No. 0817 P. 11

That I have a right to consult with my lawyer and have him advise me and prepare a defense for me;

That if I plead not guilty, I would receive a public trial by an impartial jury of twelve (12) persons, but if I plead guilty I would not receive a jury trial;

That I have the right to require the State of West Virginia to prove its case against me beyond a reasonable doubt;

That I have the right to remain silent and say nothing at all during all proceedings in this case;

That I have the right to confront my accusers and cross-examine them and have my lawyer cross-examine them;

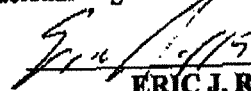
That I have the right to testify in my own defense and to present witnesses in my own defense;

That in the event I am convicted by a jury, I have the right to petition the West Virginia Supreme Court of Appeals for an appeal of said conviction for any errors of law made by the Trial Court;

That I have the right to ask the Court to suppress illegally obtained evidence and illegally obtained confessions, if any; and

That I have the right to challenge in the Trial Court and on appeal all pre-trial proceedings, but by pleading guilty I waive all pre-trial defects with regard to, among others, my arrest, the gathering of evidence against me and prior confessions, as well as, all non-jurisdictional defects in this criminal proceeding.

Having read and understood all of my foregoing rights and further knowing and understanding that any plea bargaining which appears in the record of this case is not binding upon the Court with respect to punishment or probation and understanding that in the event I should

  
ERIC J. RIGGS  
DEFENDANT

Sep. 8. 2017 9:23AM

No. 0817 P. 12

plead guilty to the felony offenses of "malicious assault," in violation of West Virginia Code §61-2-2, as set forth in Count One of Indictment Number 12-F-130 and Count One of Indictment Number 13-F-152, I shall, in the discretion of the Court, be confined in the penitentiary not less than two (2) years nor more than ten (10) years, on each count, it is still my intention and desire to enter a plea of guilty.

I further know and understand that the sentences to be imposed herein may be ordered to be served concurrently, that being at the same time, or consecutively, that being one after the other.

I also know and understand, having been counseled by my lawyer, that I will be required to pay court costs and may be required to pay restitution, in addition to any fine or imprisonment the Court may impose. It is further my understanding that the Court will Order that all costs relating to this matter be paid within a specific time frame. I understand that if I fail to complete payment by the required date, the Fayette County Circuit Clerk's Office will notify the West Virginia Department of Motor Vehicles and my privilege to drive will be suspended.

Therefore, in the presence of James A. Adkins, my lawyer, who has, to my complete and total satisfaction, represented, advised and consulted with me in this case and who has fully explained the nature and meaning of the charges contained in the indictment against me and having received and read a copy of the indictment before being called upon to plead, I hereby

  
ERIC J. RIGGS  
DEFENDANT

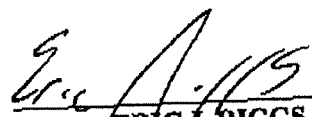
PAGE THREE OF FOUR PAGES

Sep. 8. 2017 9:24AM

No. 0817 P. 13

enter a plea of guilty to the felony offenses of "malicious assault," in violation of West Virginia Code §61-2-9, as set forth in Count One of Indictment Number 12-F-130 and Count One of Indictment Number 13-F-152, both provable offenses as contained in said indictments.

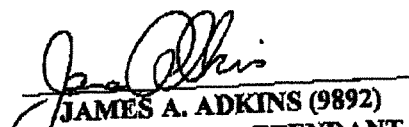
I have been advised by my lawyer, and I understand that the plea agreement in my case is, pursuant to Rule 11, West Virginia Rules of Criminal Procedure, a "Type B" agreement. I also know and understand, having been advised by my attorney, the difference between the two types of agreements.

  
ERIC J. RIGGS  
DEFENDANT

DATED: September 27, 2013

\_\_\_\_\_  
WITNESS

  
CARL L. HARRIS  
COUNSEL FOR THE STATE

  
JAMES A. ADKINS (9892)  
COUNSEL FOR DEFENDANT



TIME RECEIVED  
February 15, 2018 9:14:57 AM EST

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Feb. 15. 2018- 9:10AM

No. 2670 P. 1

## IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

INDICTMENT NO. 12-F-130  
INDICTMENT NO. 13-F-152  
TIMOTHY L. SWEENEY, JUDGEERIC J. RIGGS  
(DOB: 11-21-1990)  
DefendantFAYETTE COUNTY  
CIRCUIT CLERK

JAN 28 P 3 15

## CONVICTION ORDER

This matter came on to be heard on this 27<sup>th</sup> day of September 2013, the State of West Virginia appearing by Prosecuting Attorney Carl L. Harris and the defendant Eric J. Riggs, appearing in person and by his counsel, James A. Adkins.

Whereupon, the State of West Virginia announced unto the Court that an agreement had been reached in this matter, subject to the approval of the Court, whereby the defendant would enter a plea of guilty to the felony offense of malicious assault as charged in Count One of Indictment 13-F-152 and to the felony offense of malicious assault as charged in Count One of Indictment No. 12-F-130. Counsel for the State will move to dismiss Count Two of Indictment No. 12-F-130 charging the felony offense of attempted murder and Count Two of Indictment No. 13-F-152, charging the felony offense of attempted murder.

Thereupon, the plea agreement letter dated September 6, 2013, prepared by the State and executed by the defendant and his counsel, was presented unto the Court. The defendant was, thereupon, sworn to answer questions before this Court.

Whereupon, the Court inquired of the defendant if the plea agreement letter presented unto the Court on this date was the entire agreement between the State and the defendant and if the signature on each page of the three page letter was, indeed, his signature, if he fully understood the

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nature of the plea agreement, the statutory and constitutional rights that would be waived upon entry of a plea of guilty to the felony offenses of malicious assault, and the nature and consequences to the defendant of a plea of guilty as contemplated by said plea agreement. The Court, having been advised by the defendant that the signature on each page of the plea agreement letter submitted is his signature, that he fully understood the nature and consequences of the plea agreement, the statutory and constitutional rights that would be waived upon entry of a plea of guilty to the felony offenses of malicious assault, and the defendant having waived the reading of the indictment herein, called upon the defendant for his plea, to which the defendant entered an oral plea of guilty and executed a written plea of guilty in open court to the felony offenses of malicious assault as charged in Count One of Indictment 13-F-152 and malicious assault as charged in Count One of Indictment No. 12-F-130. Further, counsel for the defendant presented a written plea of guilty, which was executed by the parties and submitted unto the Court. The written plea of guilty is hereby **ORDERED** filed.

Whereupon, the Court made the following findings of fact:

1. The defendant and his attorney have received a copy of the indictment herein and the defendant fully understands the nature and meaning of the felony offenses to which he has pled guilty.
2. The defendant has been represented by an attorney who is competent in criminal matters and has advised the defendant of his constitutional rights, and the defendant is fully satisfied with said attorney.
3. The defendant understands that sentencing is in the sole discretion of the Court and no part of this plea is binding upon the Court.
4. The defendant understands any recommendation is merely a recommendation and the Court is not bound by this recommendation.

5. The defendant fully understands the penalties for the felony offenses of malicious assault which is imprisoned in the penitentiary for not less than two nor more than ten years for each count.
6. The defendant understands that failure to pay any Court ordered fines, costs, or restitution imposed in this matter within the time allotted to the Court may result in the loss of his West Virginia driver's license.
7. The defendant understands the effect of his plea of guilty to the felony offenses with regard to recidivism, possession of firearms, and his right to vote and the DNA collection law.
8. The defendant intelligently, knowledgeably, freely, and voluntarily waived his rights, and his plea is voluntary.
9. The defendant fully understands and knows the nature and consequences of his plea.
10. Based upon the statements of the defendant, a factual basis does exist for the defendant's plea of guilty to the felony offenses of malicious assault.
11. The crime to which the defendant has pled guilty is provable.
12. The plea agreement herein is consistent with the public interest in the fair administration of justice.

In consideration of all of which, the Court accepts the defendant's oral and written plea of guilty to the felony offenses of malicious assault, as charged in Count One on Indictment 12-F-130 and Count One of Indictment 13-F-152. Accordingly, it is hereby the **ORDER** and **JUDGMENT** of this Court that the defendant is adjudged and found to be guilty of such offenses.

It is further **ORDERED** that Count Two of Indictment 12-F-30 and Count Two of Indictment No. 13-F-152 are hereby dismissed and stricken from the Court's docket.

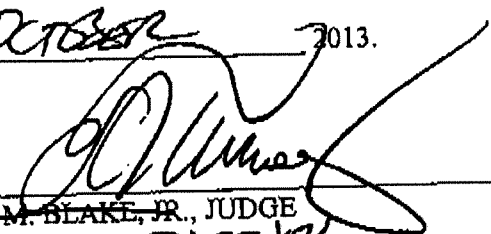
The defendant's application for probation is referred to the Probation Department of this Court for investigation and report.

It is further the **ORDER** and **JUDGMENT** of the Court that sentencing in this matter is deferred until December 20, 2013 at 11:00 a.m., pending a presentence investigation to be performed by the Probation Department of this Court.

The defendant is hereby remanded back to the Custody of the Division of Corrections.

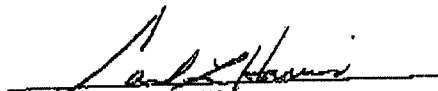
The Clerk of this Court is directed to forward attested copies of this Order to Carl L. Harris, Prosecuting Attorney; ~~Nancy S. Freley~~ **JAMES A. ADKINS**, Counsel for the defendant; Mount Olive Correctional Complex, 1 Mountainside Way, Box 9, Mt. Olive, WV 25185 and Janette Woodrum, Chief Probation Officer.

ENTERED this 3rd day of OCTOBER 2013.

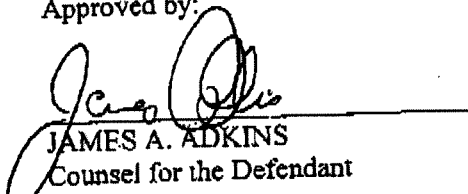
  
PAUL M. BLAKE, JR., JUDGE

**TIMOTHY L. SWEENEY**

Presented by:

  
CARL L. HARRIS  
Prosecuting Attorney

Approved by:

  
JAMES A. ADKINS  
Counsel for the Defendant

Attested Copies to:

CLH / CJ(2)

JAF / \_\_\_\_\_

MOCC / \_\_\_\_\_

JW / \_\_\_\_\_

Date October 29, 2013

Initials: 381

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No. 0817 P. 14

## IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

INDICTMENT NO. 12-F-130

INDICTMENT NO. 13-F-152

TIMOTHY L. SWEENEY, JUDGE

ERIC J. RIGGS  
(DOB: 11-21-1990)  
Defendant

FAYETTE COUNTY  
CIRCUIT CLERK  
FEB-7 P 2:17  
MICHAEL E. WRIGHT

## SENTENCING AND COMMITMENT ORDER

On the 24<sup>th</sup> day of January 2014, came the State of West Virginia by Prosecuting Attorney Carl L. Harris the defendant appearing in person and by his counsel, James A. Adkins; and the Probation Department of this Court appearing by Jerry Willoughby, for the purpose of imposition of sentence and a hearing upon the defendant's application for probation heretofore made, pursuant to the defendant's conviction by plea on September 27, 2013, to the felony offense of malicious assault as charged in Count One of Indictment 13-F-152 and to the felony offense of malicious assault as charged in Count One of Indictment No. 12-F-130.

Whereupon, the Court reviewed the presentence report of the Probation Department and addressed the issue of additions or corrections to said report.

The Court, thereupon, offered all parties, including the defendant, an opportunity to address the Court prior to pronouncement of sentence. Counsel for the defendant addressed the Court on the defendant's behalf.

The Court, after hearing comments of the parties and after having reviewed the presentence investigation report, makes the following findings:

1. The defendant has learned very little if anything from his incarceration.

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No. 0817 P. 15

2. The defendant has little regard for the safety and health of others.
3. The defendant committed two separate violent attacks a short time apart.
4. The defendant has already received leniency by his plea agreement.

Upon consideration of all of which, in regard to the defendant's conviction of the felony offense of malicious assault as charged in Count One of Indictment 13-F-152, it is the **ORDER** and **JUDGMENT** of the Court that the defendant is hereby sentenced to the West Virginia State Penitentiary for an indeterminate period of not less than two years nor more than ten years. In regard to the defendant's conviction of the felony offense of malicious assault as charged in Count One of Indictment 12-F-130, it is the **ORDER** and **JUDGMENT** of the Court that the defendant is hereby sentenced to the West Virginia State Penitentiary for an indeterminate period of not less than two years nor more than ten years.

It is further **ORDERED** that the sentence imposed herein be served consecutively to each other and consecutive to the sentence the defendant is currently serving from Mercer County.

The effective date of this sentence shall be January 24, 2014.

The Court advised the defendant of his appellate rights with regard to the conviction herein and provided him with written notice thereof.

It is further **ORDERED** that the defendant shall submit a DNA sample.

The defendant is hereby remanded to the custody of the Division of Corrections for execution of the above sentence.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall

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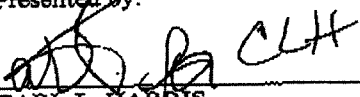
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complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. The Clerk is further directed to forthwith send an attested copy of this Order via facsimile machine to Dianne E. Skiles, Records Manager, West Virginia Division of Corrections, (304) 558-8430 and shall forward certified copies of this Sentencing and Commitment Order to the West Virginia Division of Corrections, 112 California Avenue, Building 4, Room 300, Charleston, West Virginia 25305-0280; Carl L. Harris, Prosecuting Attorney; James A. Adkins, counsel for defendant; Jerry Willoughby, Probation Officer and Eric J. Riggs c/o Mount Olive Correctional Complex, 1 Mountainside Way, Box 9, Mt. Olive, WV 25185.

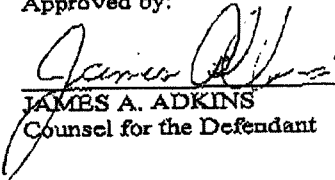
ENTERED this 5<sup>th</sup> day of February, 2014.

  
TIMOTHY L. SWEENEY, JUDGE

Presented by:

  
CARL L. HARRIS  
Prosecuting Attorney

Approved by:

  
JAMES A. ADKINS  
Counsel for the Defendant

**Attested Copies to:**

WVDC	/	ES 13
CLH	/	CS
JAA	/	
JW	/	

Date: February 10, 2014  
Initials: SKS

A TRUE COPY of an order entered

February 7, 2014

Teste:   
Circuit Clerk Fayette County, WV